

REMARKS

Claims 1-20 and 25-29 have been allowed and claims 21-24 have been rejected. In response, claims 21-24 have been amended, claims 30-36 have been cancelled, and claims 37-39 have been added. Accordingly, claims 1-29 and 37-39 are pending.

New claims 37-39 track the subject matter of claim 1, although are presented in apparatus form. No new matter has been added.

Allowed Claims

Applicants thank the Examiner for allowing claims 1-20 and 25-29.

Claim Rejections – 35 U.S.C. §101

In item 4 on page 2 of the above-identified Office Action, the Examiner rejects claims 21-24 under §101 as being directed to non-statutory subject matter. More specifically, the Examiner states that the recordable mediums recited by claims 21-24 may be interpreted as a signal in light of Applicants' Specification, and concludes that signals are not statutory subject matter.

In response, Applicants respectfully disagree with the Examiner's reading of claims 21-24 and the Examiner's reading of §101. Nonetheless, Applicants have amended claims 21-24 to recite "processor readable storage medium" to overcome the Examiner's rejections. Processor readable storage medium, in accordance with its plain meaning, as understood by those of ordinary skill in the art, do not include signals. Further, in *In re Beauregard*, 53 F.3d 1583 (1995), the Federal Circuit held that a storage medium storing a set of instructions capable of causing a computer to perform a process is statutory subject matter under §101.

Accordingly, Applicants respectfully submit that claims 21-24 now recite patentable subject matter under §101, and for at least the same reasons claims 1, 14 and 16 are patentable over the cited references, claims 21-24 are patentable over the cited references. .

CONCLUSION

In view of the foregoing, Applicants submit that pending claims 1-29, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 796-2844. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Date: August 28, 2008

by: /Steven J. Prewitt/
Steven J. Prewitt
Reg. No.: 45,023

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981